



MURIEL BOWSER
MAYOR

DEC 6 2019

2019 DEC -6 PM 2:03
OFFICE OF THE
SECRETARY

The Honorable Phil Mendelson
Chairman, Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania, NW, Suite 504
Washington, DC 20004

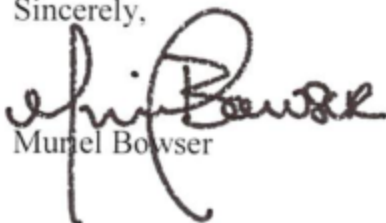
Dear Chairman Mendelson:


Enclosed for Council consideration, please find the "Fire and Emergency Medical Services Department Command Staff Amendment Act of 2019." This legislation would amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (CMPA) to enable the Fire and EMS Chief, as delegated by the Mayor, to promote Assistant Fire Chiefs from the ranks of Deputy Fire Chief or Battalion Fire Chief; Deputy Fire Chiefs from the ranks of Battalion Fire Chief; and Battalion Fire Chiefs from the ranks of Captain. The legislation also permits demotion to the member's prior rank or to the rank of Captain.

This legislation would clarify existing practice allowing the Fire and EMS Chief to appoint and demote Assistant Chiefs from the ranks of Deputy Chief. This legislation would extend that authority to other chief officer ranks. Similar authority was granted to the Chief of the Metropolitan Police Department in 2000, consistent with the CMPA for Excepted Service and Management Supervisory Service employees in other Executive agencies. The ranks impacted by this proposal are non-union managers and thus are outside the scope of the Department's collective bargaining agreements. This legislation modernizes the Fire and EMS Department's senior management structure, bringing it in line with the policy and practice of the rest of the District government. Sound management practices dictate that the Fire and EMS Chief should have the authority to exercise his or her discretion with respect to senior levels of the command staff of the Department.

Prompt consideration of this legislation would allow Department administration the ability to more efficiently choose from chief officer ranks for promotions, and to make management decisions without unnecessary detriment to an officer's career and reputation in the event of return.

Sincerely,


Muriel Bowser


Chairman Phil Mendelson
at the request of the Mayor

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to authorize the Mayor to promote Assistant Fire Chiefs from the ranks of Deputy Fire Chief and Battalion Fire Chief in the Fire and Emergency Medical Services Department, to promote Deputy Fire Chiefs from the ranks of Battalion Fire Chief, and to promote Battalion Fire Chiefs from the ranks of Captain, and to return persons in those ranks to the immediate previous civil service rank or to the rank of Captain.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fire and Emergency Medical Services Department Command Staff Amendment Act of 2019".

Sec. 2. Section 801(d-3) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-608.01(d-3)), is amended as follows:

(a) Section 801(d-3) (D.C. Official Code § 1-608.01(d-3)) is amended by striking the phrase "Battalion Fire Chief and Deputy Fire Chief" and inserting the phrase "Assistant Fire Chief, Deputy Fire Chief, and Battalion Fire Chief" in its place, wherever it appears.

(b) A new subparagraph 801(d-3)(3) (D.C. Official Code § 1-608.01(d-3)(3)) is added to read as follows:

“(d-3)(3) Members of the Fire and Emergency Medical Services Department selected under this section shall be returned to the immediate previous civil service rank, or to the rank of Captain, when the Mayor so determines.”

Sec. 2. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 3. Effective date.

This act shall take effect after approval by the Mayor (or in the event of a veto by the Mayor, override of the veto by the Council), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.03(c)(1)), and publication in the District of Columbia Register.


Government of the District of Columbia
Office of the Chief Financial Officer



Jeffrey S. DeWitt
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jeffrey S. DeWitt
Chief Financial Officer 

DATE: October 23, 2019

SUBJECT: Fiscal Impact Statement – Fire and Emergency Medical Services
Department Command Staff Amendment Act of 2019

REFERENCE: Draft Bill as shared with the Office of Revenue Analysis on October 11, 2019

Conclusion

Funds are sufficient in the fiscal year 2020 through fiscal year 2023 budget and financial plan to implement the bill.

Background

The bill establishes a promotional structure for certain positions within the Fire and Emergency Medical Services Department (FEMS). The bill authorizes the Mayor to promote a member to Assistant Fire Chief from the rank of Deputy Fire Chief or Battalion Fire Chief, to promote a member to Deputy Fire Chief from the rank of Battalion Fire Chief, and to promote a member to Battalion Fire Chief from the rank of Captain. The Mayor may return any member promoted under this structure back to the rank from which she or he was promoted or to the rank of Captain.

Financial Plan Impact

Funds are sufficient in the fiscal year 2020 through fiscal year 2023 budget and financial plan to implement the bill. The Fire Chief currently promotes Assistant, Deputy, and Battalion Fire Chiefs within this structure and the bill provides the statutory framework consistent with this practice. A member will only be promoted when there is a position and budget available and there are no additional costs associated with the bill's implementation. The bill also allows a promoted member to be demoted at the Mayor's direction and there are no costs associated with this authorization.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL



ATTORNEY GENERAL
KARL A. RACINE

Legal Counsel Division

MEMORANDUM


TO: Alana Intrieri
Executive Director
Office of Policy and Legislative Affairs

FROM: Brian K. Flowers
Deputy Attorney General
Legal Counsel Division

DATE: October 16, 2019

SUBJECT: Legal Sufficiency Review of Draft Legislation Titled the "Fire and
Emergency Medical Services Department Command Staff Amendment Act
of 2019"
(AE-19-666)

This is to Certify that this Office has reviewed the above-referenced legislation and that we have found it to be legally sufficient. If you have any questions in this regard, please do not hesitate to call me at 724-5524.


Brian K. Flowers